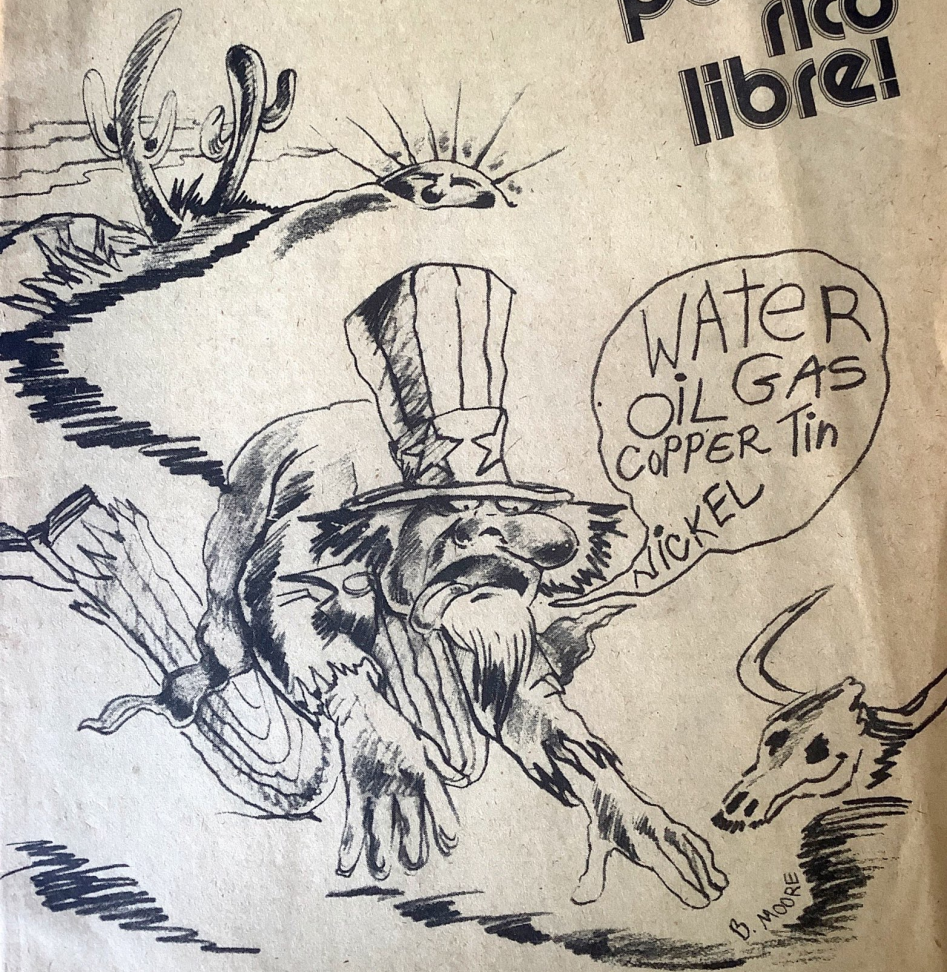


puerto rico libre!



Who will get Puerto Rico's oil? see page 10

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COVER: Bobbi Moore	

in solidarity

In all previous issues of Puerto Rico Libre!, the "In Solidarity" column was written by the PRSC Executive Secretary. Beginning with this issue, the column will also be a place for the members of the PRSC National Board to share their views on building solidarity with the readers of PRL!. We hope in this way to provide the opportunity to our readers to learn about the ideas of the PRSC national leadership.

At-large Board member Akil Al-Jundi is the Minister of Information and Propaganda of the Attica Committee to Free Dacajewiah and a member of the National Coordinating Committee to Free the Five.

Since the 1976 presidential campaign, the Government of the United States of America has continually and consistently talked about Human Rights.

President Jimmy Carter has talked about the issue of Human Rights with specific attention focused on: the President of Uganda, Field Marshall Idi Dada Amin, and also the Soviet Union.

Since Human Rights is a universal issue, the situation within the United States must be subject to the same fervor of solicitude.

Of special concern to many of us are the Human Rights of the Puerto Rican people.

In 1867, it was revealed that the U.S. had seriously considered acquiring Puerto Rico and Cuba from Spain, by what were called "just and legal means."

This method was called Manifest Destiny, but bluntly, it was Imperialism and Colonialism.

31 years later, in 1898, the United States would invade the island of Puerto Rico (Borinquen) and both *Infringe* and *Impinge* upon the Human Rights of the Puerto Rican people!

This imperialist position was assumed in other countries of the Antilles, Asia, South America, Africa, and Europe.

The invasion violated the Human Rights of the Puerto Ricans as it violated their lives, their liberty as a people, and their national security.

The U.S. continues to keep its imperial lethal force (U.S. Armed Forces) on the island of Puerto Rico, as it continues to do just about all over globally.

The U.S. colonial and imperialist stand on Puerto Rico refuses to recognize the Puerto Rican people as capable of determining their own destiny and thereby perpetuates its racist policies, so clearly dissonant to Human Rights.

The action taken by Oscar Collazo and Griselio Torresola when they attacked the Blair House, was taken because the Human Rights of the Puerto Rican people were being ignored and trampled on.

The actions taken by Lolita Lebron, Rafael Cancel Miranda, Irving Flores, and Andres Figueroa Cordero against the U.S. Congress, were actions taken to let the world know that the Human Rights of the Puerto Rican people were going unrecognized by the U.S. Government.

These Five Puerto Rican Nationalists were and are true advocates of Human Rights. The President has an opportunity to apply the principles of Human Rights on several levels, but one clear manner by which he can do so is to order the *Unconditional* release of the Five.

A united action around these Puerto Rican compatriots can bear fruition via local, regional, national, and international levels.

One way to accomplish this is to write letters, send telegrams, sign petitions, sign and send post cards demanding the *Unconditional Release* of the Five Puerto Rican Nationalists. Send them to: 1) President Carter; The White House; Washington, DC 20530; 2) Attorney General Griffin Bell; U.S. Department of Justice; Washington, DC 20530; 3) The Hon. Andrew Young; U.S. Ambassador to the United Nations; U.S. Mission to the U.N.; New York, NY 10017.

STOP THE GRAND JURY!

The Puerto Rican liberation movement and its supporters are strongly resisting the repressive forays of a federal grand jury in Chicago, Illinois. Each time there is a court appearance, the courtroom is packed with supporters. None of the people who have refused to testify have been jailed for contempt. One of them, Pedro Archuleta, a Chicano activist from New Mexico, has now also been subpoenaed to appear before a grand jury in New York which is coordinating its efforts with the one in Chicago.

Two lay ministers, former employees of the Episcopal Church's Commission on Hispanic Affairs, were jailed early in March for their refusal to testify before the grand jury in New York. The two, Maria Cueto and Raisa Nemikin, may be held in prison for the duration of the 18-month term of the grand jury, which ends in May, 1978.

Archuleta, a former member of the Hispanic Commission, is being called for questioning in relation to an investigation of the FALN, a Puerto Rican underground organization which has claimed responsibility for a variety of bombings in New York and Chicago since October, 1974. Archuleta has stated that he first heard about the

FALN the day he was slapped with the subpoena to appear before the grand jury in Chicago. He says that the subpoenas are reprisals for successful organizing he has done against political bosses in his New Mexico hometown.

Lawyers for Archuleta have filed a motion to have the New York subpoena quashed on the ground that a person cannot be under subpoena to appear before two grand juries investigating the same case in two different jurisdictions. They have also argued that the proceedings of the grand jury are a gross violation of First Amendment rights and should cease immediately. Further, they are challenging the racial and national composition of the grand jury.

The latest support demonstration since the grand jury in New York began its deliberations in November, 1976, was organized on April 22, the date Archuleta's lawyers filed motions to quash the subpoena. About 75 supporters picketed outside the Federal Courthouse in downtown Manhattan and later packed the courtroom.

New momentum for a national campaign directed against grand jury abuse was achieved when many

national organizations as well as individuals, some of whom have previously been targets of other grand jury investigations, filed an intervenors' suit on behalf of Archuleta.

Among the intervenors are: the Crusade for Justice, Interreligious Foundation for Community Organization (IFCO), Puerto Rican Christians for Socialism, Olympic Games medal winner Phil Shinnick, filmmaker Mary Lampson, Local 6 of the International Printing and Graphic Communications Union (representing the workers of the Washington Post), National Alliance Against Racist and Political Repression, and the PRSC.

The intervenors' suit is based on the claim that the government is violating First Amendment freedoms by conducting a campaign of harassment against the Puerto Rican independence movement and its supporters, which must be stopped immediately.

Meanwhile, at an April meeting of the PRSC Interim Committee, efforts of local chapters to stop this grand jury fishing expedition and intimidation campaign were endorsed. The following immediate demands were adopted: Stop Grand Jury Repression of the



ment, Quash All Subpoenas, Free Maria and Raisa, and Stop Harassment of the Puerto Rican community. The final demand stems from a stepped-up FBI sweep through the Puerto Rican communities of Chicago and New York. Many people have been physically and mentally molested by federal agents claiming to be looking for FALN members and clues to their whereabouts.

At the same time, groups representing local defense committees for Cueto, Nemikin, Archuleta, and others, have formed a national organization.

The intention of this formation is to raise support for people subpoenaed and to develop opposition against the grand juries. The political unity of the group does not stop there, as it raises a series of demands which propose to take up various struggles against which the repression is directed.

At its June meeting, the PRSC National Board will consider a national plan aimed at stopping these grand juries and pulling in the reins of the campaign of repression directed against the supporters of Puerto Rican independence. The objective will be to bring forward demands which can effectively unite many forces and thereby isolate the government repressive agencies and grand juries.

Agents of the Federal Bureau of Investigation seeking information from members of the National Council of Churches may expect to be told to follow a procedure outlined by that organization in an important resolution passed by its governing Board on May 5.

The resolution states that the use of grand jury powers "to harass and pursue political dissidents is a departure from its proper constitutional function, and is a great threat to public order, lawful government, and true domestic security."

In recognition of the difficulty of standing up as an individual to the intense intimidation used by repressive agencies, the resolution provides members with important organizational backing and a framework for refusing to cooperate with repressive attacks.

In particular, investigators will be asked to state in writing the information they seek, their authority for seeking it, and whether the information can be obtained in any other way. If inquiries are made, persons being investigated will always be informed and no information will be divulged without benefit of legal council. The resolution urges churches and ecumenical agencies to adopt the procedures it develops for confronting the

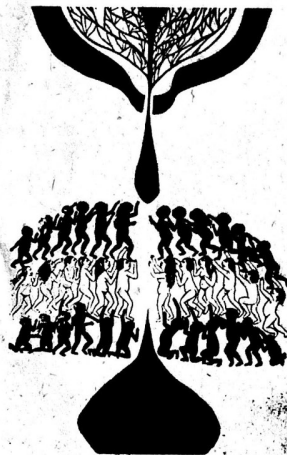
kind of attacks which church people have been subject to in recent months.

The resolution warns that churches which adopt the above recommendations should be aware that they, or their members, may be faced with the risk of civil penalties, including citations for contempt of court, in their effort to establish judicial recognition of the churches right not to breach the relationship of confidence and trust which is essential to the functioning of the religious community.

This same relationship of confidence and trust is essential to progressive political organizations as well and procedures for protecting it may be adopted, following the example of the National Council of Churches.

As organizations begin to equip themselves with specific procedures for dealing with government agencies, the ability of campaigns of repression to define and limit political rights will itself be defined and limited, not merely by the word of law which the government so often places itself above, but by the direct assertion of political rights. The National Council of Churches has taken a step which can help to isolate the repressive forces which intend to isolate people and organizations involved in and supporting progressive struggles.

NYC ACTS AGAINST STERILIZATION ABUSE



A vigorous campaign brought success to New Yorkers pressing for strong guidelines to prevent the continuation of sterilization abuse. The vote in the City Council gives New York the most advanced such guidelines in the U.S. Patients must be counselled in their preferred language and doctors violating the regulation can be fined up to \$1,000.

Because of the large number of people of national minorities living in the city—people who have been targeted by "population control" policies to the degree that among Puerto Ricans, for example, 35 per cent of the women of child-bearing age, are sterilized—the legislation here is of particular importance.

This important victory for progressive forces is nevertheless limited in several ways. The regulations will not be easily enforced. Also, recent statistics show that many doctors and

hospitals are performing more hysterectomies, which are not covered by the guidelines.

In addition, the resistance to such legislation from the reactionary forces which promote population control policies is likely to be stronger in other cities now that they have been at least partially defeated in New York. A long struggle will be required to defeat once and for all the Malthusian ideology propagated by imperialism to promote population control, a policy designed to perpetuate the real basis of poverty—exploitation.

Just Published
Population Target: The Political Economy of Population Control in Latin America.
By Bonnie Mass, PRSC National Board member. Use form on page 15 to order, \$5.50.

A report defining procedures requisite for the process of decolonization of Puerto Rico was approved late in May by the governing body of the Puerto Rican Bar Association.

The Bar Association has recognized the basic principle that sovereignty is a prerequisite for decolonization since 1963, but the new report is its first statement on procedural questions. The report calls for a transfer of power to precede negotiation and popular referendum. It proposes a transitional period during which a Constituent Assembly, independent of interference of the colonial administration, would be elected.

The report was prepared by a committee including leaders representing all three positions on the status question. Reaction to the report is mixed. Governor Carlos Romero Barcelo of the pro-statehood New Progressive Party (PNP) called it "absurd and illogical". Former Governor Rafael Hernandez Colon, whose continued leadership of the pro-Commonwealth Popular Democratic

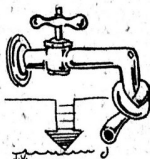
Party (PDP) is based on the lack of an alternative rather than a base of support, said that he doubted the viability of the procedures and that the report "could be seen as an initial step toward statehood." Both the PNP and the PDP are internally divided on the question and members of both parties worked actively on the preparation of the report. *Independistas* are also not united either in support or in opposition.

Although the report did direct attention to the problems of freely convening a Constituent Assembly given U.S. military presence, economic domination, and control of natural resources, it did not detail solutions to these problems. While calling the report "an extraordinary advance", Juan Velez, General Secretary of the Communications Workers Union said: "For us the problem is how to control the psychological intervention by the United States during a period when our people are choosing their status. This will be present even if there is no physical presence at that moment."



Tourists Unaffected by Water Rationing

Puerto Rico's governor Romero Barcelo has asked President Carter to declare the southern part of the island a disaster area as a prolonged drought has scorched pastures, reduced this year's anticipated tobacco crop by 30 per cent, and forced the cutting off of



water service to San Juan between 7 p.m. and 5 a.m. The New York Times' coverage of the story reassured readers that San Juan's major hotels were not affected, being supplied with roof tanks which they fill during the day.

The Times' article made no mention of recent disclosures blaming the petrochemicals industry for lowering of the water table.

Third Resignation in Romero Cabinet

San Juan, March—The newly appointed Secretary of Public Education has resigned, according to sources, under request by the governor Carlos Romero Barcelo to avoid a

potential scandal for the new government.

This is the third major resignation in the Barcelo cabinet since its term began in January.



Solidarity

PRSC: Philadelphia

On May 16, the Philadelphia chapter of the P.R.S.C. held an open meeting to discuss Grand Jury abuse, with 21 people attending. The meeting was addressed by Judy Peluso, of the Grand Jury Abuse Project; and by Jay Weiner, who recently spent several months in jail for refusing to testify before a Scranton, Pa. Grand Jury.

On Tuesday, June 21, the Philadelphia-P.R.S.C. will sponsor a special



Potluck Dinner in Solidarity with Puerto Rico featuring Tran Van Dinh, Professor of Pan-African Studies at Temple University and active participant in the non-aligned nations movement; and Rafael Anglada of the Office of Puerto Rico at the United Nations.

The event, co-sponsored by the P.S.P., will be held at St. Ambrose Church, 6th and Venango St., from 7-10 p.m. Donation: "\$2.00 or a potluck dish."

Labor News

Contracts of several of the largest and most militant unions in Puerto Rico will expire in the coming months. Unless early settlements are reached, a new series of strikes will have major impact on the island.

In preparation for this period in which many public employees may be striking, and in response the growing strength and militancy of unions representing public employees, the Commonwealth government has introduced in its Senate a proposal for a new, restrictive labor law. The bill would allow the government to intervene directly in union elections and even to decide who is eligible to be elected to union leadership.

This provision of the bill is seen as an attempt to limit the growing influence of supporters of independence in the union movement. Among the recent successes of such progressive leaders was the election of Luis Lausell as president of the important Electric Utility Workers Union (UTIER), one of

Major Contracts To Expire

the unions whose contract expires soon.

The administration of Governor Carlos Romero Barcelo has reneged on its campaign promises to raise wages and promote unionization of public employees. Although the sponsor of the bill, Juan Maldonado Torres, is officially a member of the Popular Democratic Party (PDP), swept out of office in last November's elections, he is working closely with the new administration.

The proposed legislation was strongly condemned by Luis Lausell as well as Hector Rene Lugo, president of an important union of workers of the government's utilities authority, Jorge Pazo, president of the union of bus drivers, Juan Velez, president of the Communications Workers Union, and Pedro Grant, Coordinator of the United Labor Movement (MOU). A united effort of all unions ready to fight against approval of this repressive legislation is being initiated.



Labor Institute Opens

The Labor Institute for Trade Union Education (ILES) was founded in Puerto Rico in February. After only a few months of its operation, Pablo Rivera, the Institute's coordinator, says that the school is an unqualified success.

The school will help to train capable leaders of the "new unionism" developing on the island. Over twenty unions, including U.S. affiliated unions such as the Teamsters and the Meatcutters, as well as the major independent Puerto Rican unions, have joined together in building the school's diverse program. Participants, selected because of their union activity at the shop level, are taking courses in labor history, labor legislation, organizing techniques, negotiations, comparative economics, parliamentary procedure, administration of collective bargaining agreements, and philosophy.



An important basis of the school's success, according to Mr. Rivera, is its highly qualified faculty. Those lecturing at the school include well-known professors such as Gervasio Garcia, Mariano Munoz, and Angel Quintero, whose authoritative study on Puerto Rican labor history has just been published in English. Labor attorneys teaching at the school include Federico Diaz of the Puerto Rican Labor Relations Board, Osiris Sanchez, and Luis Escribano. Osvaldo Romero is one of the trade union organizers at the Institute. Pablo Rivera is an economist specializing in labor matters.

The success of the school is not only measured in academic terms. Mr. Rivera stated, "If education is an immediate objective, unity is a practical consequence of this effort. The participants here see in practice the benefits which trade union unity can bring to all workers."

NLRB Issues Complaint Against Crown Cork

The Independent Union of Crown Cork Workers (UITCC) passed two important milestones at the end of March.

On March 25, the National Labor Relations Board issued a complaint finding that the employer and the Seafarers International Union (SIU) had committed extensive unfair labor practices aimed at undermining the



independent union. It was these unfair practices which provoked a strike by the employees which began six months to the day before the NLRB took its action. That they remain strong and united after six months without strike benefits is understood by the workers to be equal in importance to the legal victory they have obtained.

The NLRB action opens the door for the UITCC to successfully defeat the

attempt to destroy it. A trial, the next step after the issuance of a complaint, is scheduled to begin April 25. At that proceeding, which is expected to last several weeks, the NLRB and the UITCC will present the evidence against Crown Cork and the SIU, who will have an opportunity to justify their actions.

A trial is a rarity in NLRB cases, as 90 percent are settled after a complaint is issued. However, Crown Cork, a company with a history of anti-union activity in the United States as well as in Puerto Rico, has intransigently refused to resolve this conflict. To comply with the NLRB ruling, a settlement must include the reinstatement of the 140 workers who were fired.

It is because of this determination of the company to break the UITCC that the union sees its half-year strike

anniversary as an important event. If the employer continues to resist the NLRB decision, it is likely that another year or more may pass before a decision which Crown Cork is forced to comply with is handed down.

The members of the UITCC must be prepared to spend many more months where they have been for the past six—picketing the gates of the Crown Cork factory.

The Crown Cork workers may have a long struggle ahead, but they have already succeeded where other important efforts of the movement for "new unionism" have failed: forcing the U.S. Labor Relations Board to take the side of an independent union engaged in a militant strike. On other occasions, such as the Puerto Rico Cement strike, the NLRB blocked legal resolution by refusing to issue a complaint against the company.



Workers Poisoned By Estrogen

Workers employed in the production of birth control pills are suffering severe deformations and incapacitation as a result of estrogen poisoning. The female sex hormone, estrogen, is the principal ingredient in birth control pills.

The two companies named as maintaining conditions which are causing estrogen contamination of workers are Parke Davis, located in Farjardo, and Ortho Pharmaceuticals, in Dorado. Men working at these plants are suffering impotence and glandular disorder. Women workers are suffering from irregular menstruation, internal hemorrhaging, and growth of facial hair. Long-term effects of estrogen poisoning are not precisely known, but symptoms may last several years and emotional instability often accompanies the physical effects. Poisoning can also cause deformities in the children of contaminated women.

The law which regulates the Government Insurance Fund does not list intoxication by hormones as an occupational disease, so the workers have not been eligible to receive compensation.

The companies have been aware of the problem since 1970, suggesting to workers that they quit their jobs.

The Occupational Safety and Health Administration (OSHA) of the U.S. Department of Labor is responsible for controlling conditions hazardous to workers' health. An OSHA supervisor said that lack of sufficient personnel made it impossible to cover the wide variety of industries operating on the

island. OSHA's "personnel problem" is well known to workers in the U.S. as well, but the situation in Puerto Rico is exacerbated by the high concentration of highly polluting and hazardous industries, especially petrochemicals and pharmaceuticals. Many companies involved in these industries have located in Puerto Rico to escape environmental regulations in the U.S.

When birth control pills were being developed in the 1950's and early 1960's, Puerto Rican women were used to test dosage levels. Many women suffered estrogen poisoning during those years as a result of being given test dosages many times the levels now in use.

Birth control pills, tested on Puerto Rican women and manufactured by Puerto Rican workers, both without regard for the health of the people involved, are not readily available to the women of the island. They have been denied free access to pills and other newly developed forms of birth control and to abortion. The policy of the colonial government and private agencies has been to promote a campaign of mass sterilization of women. Denial of free access to birth control is thus an aspect of the policy of population control which has resulted in sterilization of 35 percent of all Puerto Rican women of child-bearing age.

The present situation demonstrates one of the features of colonialism in Puerto Rico. Workers are compelled to work in unsafe conditions to produce products while being denied the benefits of their use.





Detail from "Ponce Massacre" by Carlos Requena Rivera

3 Imperialist Alternatives

The following article was contributed by Luis A. Prado, who teaches Puerto Rican History and Party Politics at Hunter College.

The "Commonwealth" status of Puerto Rico cannot last indefinitely. What will replace it depends on what strategy U.S. imperialism will follow and on whether it will have the ability, faced with a growing movement against it, to carry out its plans. It may be several years before we can discern with certainty the basic outline of that strategy. Even then, that strategy will be by necessity a flexible one, because there are so many variables. Puerto Rico Libre! plans, in the coming months and years, to publish articles striving toward an analysis of the situation.

The Commonwealth of Puerto Rico, a political formula whose origin can be traced to the 1920's, was officially inaugurated on July 25, 1952. Two years of Congressional discussions and negotiations elapsed from the moment the project became approved by the 81st United States Congress in 1950 to its final ratification by the 82nd Congress on July 3, 1952. The Senate Committee that reported on Public Law 600 stated, "This measure would not change Puerto Rico's fundamental political, social and economic relationship to the United States". The colonial status of the island was not altered, but the new law served its purpose by disguising that fact. By 1953 the U.S. government stopped sending the annual reports required by the United Nations on territories and possessions.

Today this magic formula can no longer mislead the international community. The anti-colonial struggle held by the Puerto Rican people has

gained the support of international forces. The United States is recognized as one of the last countries to possess a colonial territory. This political embarrassment goes hand in hand with the failure of the economic structure of the island. This is demonstrated by the rise in federal government expenditures trying to maintain stability through subsidies and loans to the local government.

The Commonwealth's economic development strategy, Operation Bootstrap, failed to increase employment on the island. It caused, on the contrary, the displacement of more than two million Puerto Ricans to the U.S. Its priority was to develop an economic infrastructure for the expansion of tax-free industrial foreign capital. Currently, U.S. capital investment amounts to \$14 billion. Under this tax policy, most industries do not contribute to the financing of an

ever-increasing government bureaucracy nor to the expansion of needed social programs. The outcome has been an increased public debt and dependence on U.S. transfer payments. By 1976 the Commonwealth had received \$2 billion from the federal government; it owed \$6.6 billion to U.S. banks. The result has been tighter federal control over the island's economy that consequently hinders industrial growth.

U.S. banks are concerned with the solvency of the Commonwealth. In order to determine the island's ability to pay its debt, a committee was formed by a group of U.S. economists and financiers under the direction of James Tobin, a Yale economist. The committee concluded in 1975 that drastic measures should be taken. Among their recommendations: to freeze wages, to increase personal income taxes, and to decrease government spending. These austerity measures were implemented by the Popular Democratic Party (PPD) government and partially explain the party's defeat in the 1976 gubernatorial elections.

The colonial economy of the island is clamoring for structural changes. The foreign policy makers of the U.S. are looking for the new ways to intervene to protect the interests of U.S. corporations on the island. As the Commonwealth no longer appears to be viable, they need a new political formula that can guarantee a stable rate of profit while at the same time make possible the repayment of the island's debt.

An attempt was made in 1973 to "revitalize" the economy through a Compact of Permanent Union that was to substitute the present Federal Relations Act. The "new compact" projected greater insular autonomy to improve its investment incentives program, but at the same time requested more Federal government loans and aid. It was a transitional program for statehood to be run with U.S. taxpayers' money. By 1975 the project was recognized as a failure. The elimination of the Compact of Permanent Union left the colonialists with fewer options.

The two alternatives they have under serious consideration are: 1) statehood or 2) a neo-colonial solution. Both alternatives are attempts to continue, with the assistance of collaborationist political leaders on the island, U.S. colonial domination. Statehood signifies the loss of its

territory for the Puerto Rican nation. It would be the continuation of two hundred years of territorial expansion on the part of the U.S. Neo-colonialism signifies a formal political independence under the real political and economic control of the island in the hands of U.S. finance capital and transnational corporations. It is hard to say which of the two alternatives is on the imperialists' agenda.

On January 14, 1977, President Ford presented a statehood project for Puerto Rico. He recommended the establishment of a joint commission to study the impact of statehood on the island. His project was not received with enthusiasm. Not even the pro-statehood forces in power on the island applauded his last minute public position on the issue. The Wall Street Journal in its January 7 editorial stated that the President should be praised for "initiating the discussion of a complex problem that involves the future of U.S. policy toward the Caribbean countries." The new administration of President Carter has been cautious concerning declarations on this topic. Carter was quoted in the same Wall Street Journal editorial commenting that "the people of Puerto Rico should make up their own minds on whether they should become a U.S. state."

The New Progressive Party (PNP), the political party now in power on the island, has stated that a period of at least five years is required before the question of becoming the 51st state can be addressed. They claim to need this time to reorganize the island's economy in such a way so as to make statehood feasible. They seek to increase per capita income from \$1,200 to \$3,000. They must raise minimum wages and stop tax holidays. These measures, however, are in contradiction with the present industrialization program. It will be difficult for them to attract the investments they desperately need to solve the current problems of unemployment (in 1976 approximately 40%) and the national debt. They have so far succeeded in reducing personal income taxes in order to stimulate consumer spending. A 10% tollgate tax has been imposed on money leaving the island. The PNP's entire economic strategy rests on the supposition that corporations will reinvest their capital on the island. If not, the government will receive a new source of income through the tollgate tax. Another measure taken has been to sell more Commonwealth

bonds. This step, however, contributes to increase the national debt. They also plan to attract light and medium size industries in order to undertake a process of import substitution. The main problem with their economic program will be competition with other Caribbean nations who are offering lower salaries and more attractive incentives to corporations. If the PNP's measures fail, it will be impossible for them to achieve the economic prerequisites necessary to become a U.S. state.

There are other difficulties of primary importance that Puerto Rico as a state will confront. Puerto Ricans have been struggling in defense of their language and culture for 79 years, since the military invasion of the island by U.S. troops in 1898. The entire nation, including the present pro-statehood government, agrees that their cultural heritage is not negotiable. To impose statehood on Puerto Rico would be tantamount to calling for a civil war. Numerous violent incidents have occurred each time Puerto Rican's rights for self-determination have been in jeopardy. The U.S. would have to engage in repressive actions that would increase its already poor reputation among Third World nations.

The most powerful incentive for complete U.S. control over the island territory is the recent discoveries of vast resources of oil and minerals. The extraction of oil alone could generate a profit of more than 20 billion dollars in a period of 20 years. If the island becomes an oil state it will confront serious problems after these resources are exhausted. After 20 years of exploitation Puerto Rico will be an empty rock in the Caribbean. The island does not need to be a state to fall in the hands of the oil monopolies that control the industry. Other Caribbean nations clearly demonstrate this reality. This brings us to the third colonial alternative, neo-colonialism.

The Carter administration has recognized the necessity for a foreign policy based on the needs of imperialism rather than on the ideological opinions of the imperialists. The new emphasis is on "multilateralism" as opposed to the "unilateralism" of the previous Johnson, Nixon and Ford administrations. This concept of multilateralism has been manifested in numerous documents such as the one presented by the Commission on United States-Latin American Relations. This Commission recom-

mended, "the new administration should focus early attention on improving U.S. relations with Latin America not because of hidden dangers but because of latent opportunities." In relation to these "latent opportunities" the United States should adopt a policy "respectful of the sovereignty of countries of the region and tolerant of a wide range of political and economic forms... concerned less with security in the narrowly military sense than with shared interests and values that would be advanced by mutually satisfactory political relations" (*United States and Latin America: Next Steps*, Dec. 20, 1976).

This attitude has also been taken by such institutions as the Council on Foreign Relations. On September 9, 1976, the Acting Director of Studies of the CFR in a letter to the New York Times defended the legitimacy of the anti-colonial struggle of Puerto Rico, presumably following the prerogatives of the new policy of "mutual protection of economic interests." Independence under this policy does not represent a radicalization on the part of U.S. foreign policy makers: It expresses a fear of real revolutionary achievements in the Caribbean. The struggle for true independence and self-determination will necessarily exclude any form of imperialist intervention from the entire region. The aim of the new U.S. foreign policy is to co-opt and neutralize revolutionary forces. This is the only way neo-colonialism can operate.

Under a neo-colonial solution the federal government would free itself of the burden of economically maintaining the colonial administration. A new "industrial peace" and social "stability" would be attained through domestic repression. With the collaboration of the neo-colonial government, multinationals would be able to exploit the island's natural resources. International credit institutions as the International Monetary Fund and the World Bank would influence and control the economic structure of the country. The evils of imperialism, an increasing national debt, chronic unemployment, foreign control of the economy, etc. would continue operating. This false independence is not the one that would protect the interests of the Puerto Ricans. The defenders of true independence for the island should be aware of this third colonial alternative and repudiate all forms of imperialist intervention.

Oil!

The following articles are adapted from articles written by two PRSC members presently living in Puerto Rico, the first by Cam Duncan, the second by Mike Withey of the Puerto Rico Legal Project of the National Lawyers Guild. If, as is expected, the Commonwealth government moves plans to exploit Puerto Rico's mineral wealth forward, the fight to protect these resources will be one in which all pro-independence forces will be intensely involved. The articles explain many of the legal technicalities which are important to understand although, as Mike Withey writes, the final resolution will be a political one, decided not in a courtroom, but on the chosen fields of battle where the anti-imperialist forces meet the oil companies, copper companies, and the U.S. government which faithfully serves their interests.



Geological survey of the north coast of Puerto Rico indicates that the island is probably oil-rich.

The discovery comes at an historical juncture made critical by a combination of circumstances: an economic crisis characterized by extremely high unemployment while wages, rising to compensate for the high cost of consumer goods imported from the U.S. mainland, are no longer low enough to attract new industry to the island; growing dissatisfaction with the corruption and inefficiency of the colonial administration; pro-independence forces gathering, slowly but relentlessly; and increasing international pressure against colonialism, which the U.S. is now less able to ignore.

If large quantities of oil are discovered in Puerto Rico, its exploitation will undoubtedly be a key element of imperialism's efforts to ensure that the changes that will inevitably come on the island in the near future do not include breaking of its colonial domination of the Puerto Rican nation.

The oil refining industry in Puerto Rico presently employs only one per cent of the work force. The major oil companies do not have extensive operations on the island. But last September it was revealed that, after months of secret negotiations, the colonial government was pressing to sign contracts for the exploitation of off-shore oil with at least two multinational oil companies, Mobil and Exxon.

The "Big Seven" oil companies—including both Mobil and Exxon—dominate many countries and determine much of U.S. government policy, both domestic and foreign. For these companies, the fate of Puerto Rico is a question of control of world oil resources. Their immense power means that whatever new U.S. policy is developed for Puerto Rico, oil company interests will have high priority.

Speaking at the Second National Conference of the Puerto Rico Solidarity Committee, Eneida Vasquez, President of the Puerto Rican Peace Council, explained that the island's rich deposits of nickel and copper in addition to the probable vast oil resources are two of the main reasons why some imperialist interests now favor the annexation of Puerto Rico as a state.

"We cannot forget," she said, "that these natural resources can be the economic basis needed for pro-state-

hooders to convince congressmen that Puerto Rico would not be a burden to the U.S. On the other hand, those same resources could be the solid economic basis of development for an independent Puerto Rico."

Within the next few months, the Commonwealth government will probably make a decision whether to sign exploration and production contracts with Mobil and Exxon, or instead to allow the government's Mining Corporation to finish the exploratory phase which it began in 1973.

The first study suggesting that there might be off-shore oil deposits in Puerto Rico was done by Western Geophysical of Houston, Texas. The Commonwealth commissioned the seismic study in 1973, at a cost to Puerto Rican taxpayers of about \$6 million, to determine the possible site for a nuclear reactor. Then-governor Rafael Hernandez Colon announced in February, 1975 that, according to the study, three geological "traps", with qualities associated with oil, lay in an area 25 miles long by six miles wide on the northern coast between San Juan and Manati.

In October 1975, having obtained seismic information from Western, Mobil Oil sent a team of geologists to Puerto Rico to refine the data and concluded that there was an 85% chance of finding oil offshore. This estimate, plus active lobbying by the Mobil team, spurred the Commonwealth to push through important pro-business amendments to the Mining Law in December 1975.

The Western study was offered to some 50 oil firms for further study in April, 1976. The companies were given the government's proposed terms, and at least five companies bought the study for about \$25,000, a very low price by industry standards.

In October 1976, shortly before the elections, Mobil submitted a proposal for exploration and production, calling for the company to finance the entire cost of the two-year exploration phase, to invest all necessary capital for extraction, to pay 75 per cent of profits to the government and to supply Puerto Rico with its oil needs, providing that the oil discovered is suitable for local refineries.

Department of Natural Resources officials estimated that the area set for probing could hold two billion barrels of oil, yielding 200,000 barrels a day for 25 years. At current prices, the



gross would be about \$20 billion. Puerto Rico currently consumes 140,000 barrels a day.

Since all of this information has finally been made public, a movement has formed in opposition to turning over production rights to the two oil giants. One of the opponents of the proposed contract is Mision Industrial, the island's most vocal citizens' environmental group. Mision was instrumental in the successful fight against the exploitation of copper resources by Kennecott and American Metal Climax in the early 1970's.

"By being tied in to Mobil or Exxon, Puerto Rico is not getting the best deal it could," according to Dr. Tomas Morales Cardona, a professor at the University of Puerto Rico and a spokesman for Mision Industrial. "The island could contract for a company to do exploratory drilling, and when oil is found, Puerto Rico would be in a much

better negotiating position to achieve full economic benefits."

The government itself could invest the \$10 million it would take to finance additional seismic studies and two exploratory wells. While the administration claims that it should not risk the Commonwealth's scarce funds in oil drilling, opponents point out that the annual investment would amount to less than 1 per cent of the colonial budget—a small sum when compared to the half billion dollars in annual revenue which the government would earn as sole exploiter of the oil.

Morales Cardona also said that a "loophole" in the Mining Law would result in a much smaller income for the island. "Under the law, when production costs of a private firm exceed 50 per cent of the value of the gross production, the Secretary of Natural Resources can reduce the 75 per cent participation rights of the

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U.S. has no legal right to oil

When Third World nations have come together at conferences of the non-aligned countries (from Belgrade in 1961 to Sri Lanka in 1976), at meetings of the U.N. Commission on Trade and Development (UNCTAD I-IV), at Law of the Sea Conferences (especially Geneva in 1958 and 1975), and in the U.N. General Assembly, the most urgent discussions have dealt with how to bring about a new international economic order. The Dakar Declaration at the Conference of Developing Countries on Raw Materials, February 1975, states: "The present structure of international

trade, which had its origins in imperialist and colonialist exploitation, needs to be replaced with a new international economic order based on the principles of justice and equity..." the proposed structure of the new international economic order has been described in a U.N. Resolution of May, 1974, which comprehensively addresses the questions of control of raw materials, food, general patterns of trade, the international monetary system, industrialization, transfer of technology and regulation of multinational corporations. Article VIII of the resolution states: "All efforts

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Commonwealth, for the purpose of making the exploitation of the oil field economically viable. These companies have a way of arranging it so the costs appear to be more than 50 per cent. The island's share will be 50 per cent, at best," he said.

The matter may not be left for the Commonwealth government to decide. The U.S. Interior and Justice Departments have taken the position that Puerto Rico has no jurisdiction over the deposits, most of which are believed to be from four to 10 miles offshore. These agencies have said that the island could acquire control by an Act of Congress, but only up to three miles, as in the case of all coastal states, except Texas and Louisiana. Administration sources cited by the publication *Washington Letter on Rico* claimed that "granting special rights to Puerto Rico would create problems with all the states regarding oil resources offshore."

The Commonwealth government claimed through the Popular Democratic Party (PDP) administration that because of its "unique" political status, Puerto Rico has jurisdiction extending at least 12 miles from its shores. The issue is urgent because this is the year for definitions on the Law of the Sea Treaty, to be discussed at the United Nations conference in New York at the end of May.

Under the present draft treaty as amended by the U.S., Puerto Ricans

would be cheated out of their rights to offshore resources. If the U.S. Congress ratifies the treaty, it would deprive the island of offshore rights acquired under the Jones Act of 1917. The PDP administration therefore repeatedly asked the U.S. to seek observer status for Puerto Rico at the Law of the Sea Conference. Washington rejected the request—despite the fact that such island colonies as the Dutch Antilles and the Faroe Islands have had independent representation.

Given the growing international condemnation of the island's colonial status, chances are slim that any U.S. body would approve U.S. control over Puerto Rico's offshore oil. This may be another reason why Washington has taken some initiative in putting statehood on the agenda, while denying Puerto Rico any rights to its offshore area at the same time.

Attorney Antonio Fernos Lopez, head of the Commission on International Law of the Puerto Rican Bar Association, concluded after studying legal precedents that, "There is no federal law which claims jurisdiction over Puerto Rico's offshore resources." Puerto Rico was left out of the 1953 Submerged Lands Act, which granted offshore rights of three miles to most coastal states.

According to Fernos, two Puerto Rican laws establish the Commonwealth's control over its offshore territory—the Law of Mines, which established Commonwealth jurisdic-

tion "over all exploitable areas," including the continental shelf, and the Law of Ports, which establishes control up to 12 miles offshore.

In the short run, Mobil may want Puerto Rico to keep jurisdiction because the Mining Law requires it to pay the island 75 per cent of the profits, while Washington would collect 82 per cent if it had control. The Department of Natural Resources reports that Mobil is willing to sign a contract even with the uncertainty surrounding jurisdiction, but that Exxon is not.

If exploitable quantities of oil and natural gas are discovered on the island, Puerto Ricans will fight to control it. As Morales Cardona put it, "Oil producing countries have begun to control their natural resources in order to become more economically independent. Puerto Rico should do the same."

But the struggle for oil will be one in which much more than oil is at stake. Among oil's economic impacts would be its effect on the island's petrochemical industry, on the government's strategy of luring highly mechanized and polluting industry to Puerto Rico, and on the Commonwealth's budget crisis. And most important, oil may provide independence forces with the material basis to demolish colonialism's greatest myth—that Puerto Rico lacks the resources to be an independent nation.

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should be made... to defeat attempts to prevent the free and effective exercise of the right of every state to full and permanent sovereignty over its natural resources."

These international conferences coincide with the growing movement for national self-determination in still-colonized nations, including Puerto Rico. The deliberations of the U.N. Decolonization Committee in recognizing Puerto Rico's colonial status and its absolute right to independence, has been given an additional sense of urgency by the discovery of probable oil reserves off Puerto Rico's shores.

The Conference of Non-Aligned Nations approved a resolution in Dakar in 1975 which specifically recognized Puerto Rico's absolute right to its mineral and natural resource, including off-shore oil.

Thus the struggle of Puerto Rico to control and develop its own natural

resources is inseparable from the world-wide movements for economic justice and a redistribution of wealth.

Because the oil issue is so intricately connected to the paramount question of Puerto Rico's independence, a political solution is inevitable. In the meantime, numerous legislative, judicial, and executive institutions of varying authority and competency will grapple with the legal issues surrounding Puerto Rico's assertion of paramount right to the off-shore oil. It is to these legal issues that we now turn.

Puerto Rico's Rights under Int'l Law

International law has historically divided the bodies of waters in and around a country into three categories: a) inland waters, rivers, ports, harbors, bays and gulfs, etc.; b) the marginal or territorial sea, the maritime boundary extending various distances from the coastline to the sea;

and c) the high seas, seaward of the territorial sea.

Historical conflicts have arisen in defining the territorial sea and the adjacent countries' sovereignty to the sea bed.

By the middle of the 18th century the maritime boundary was generally adopted as extending out from shore "as far as the cannon will carry," later calculated at three nautical miles or one marine league. This boundary was adopted by most maritime states, including the U.S., although many states claimed wider areas, including Spain, which has always claimed six nautical miles.

Throughout this century nations have asserted jurisdiction over 3,6, 12 and 200 miles of territorial sea, depending on the nation and the jurisdictional purpose:

1) Maritime jurisdiction for the control of contraband, navigation, national defense, and commerce has been

more limited—usually to 12 miles;

2) Jurisdiction over a fisheries zone has been expanded by many nations including the U.S. as of March 1, 1977, to include up to 200 miles.

3) Jurisdiction over natural resources in the sea bed, submerged lands, the continental shelf, and the ocean floor has until recently paralleled jurisdictional claims of the territorial sea (usually 12 miles) over the superjacent waters. The discovery, however, of large quantities of exploitable mineral resources off-shore and in the ocean bed has produced expansive claims of national jurisdiction, originally and principally by the U.S.

In 1945, by Presidential proclamation the U.S. asserted its national jurisdiction and control over the subsoil and seabed resources up to the outer edge of its continental shelf, which in the Gulf of Mexico is as much as 200 miles from shore.

This claim was given Congressional approval in the Outer Continental Shelf Lands Act of 1953, which also established a procedure, administered by the Department of Interior, for the leasing of such underwater lands for the exploration and exploitation of natural resources.

Thus the United States, following the discovery of offshore oil in the early 1940's and prodded by U.S. multinational companies and their corporate counsel, broke with international law and tradition to assert a claim to submerged lands which exceeded in distance from the shore its claim to the superjacent territorial sea.

This novel assertion of jurisdiction was legitimized internationally at the first Law of the Sea Conference in Geneva in 1958—testimony to U.S. influence at the time. Although the Geneva Conference was unable to agree on the 12 mile limit, Article 1 of the Convention on the Continental Shelf granted to the coastal state exclusive sovereign rights to explore and exploit natural resources on the seabed and subsoil outside their territorial sea, to the depth of 200 meters or "to where the depth permits exploitation of natural resources." Article 3 specifically provides that the existence of these rights does not affect the status of the superjacent waters as "high seas."

The court held that the right of coastal states to exploit resources of its continental shelf is exclusive and need not be either "declared" nor "exercised." The court's decision con-

firmed the well-established principle that "It is the land which confers upon a coastal state a right to the waters of its coasts.

The most recent legal development is the claim by the U.S. and some Third World nations to a 200 mile "economic zone"—exclusive jurisdiction over all the natural resources of both the seabed and the water column.

This was raised specifically at the Geneva Law of the Sea Conference in 1975, which generally recognized a 12 mile limit to the territorial sea. The same conference was presented with, but has not yet adopted, a resolution recognizing the right of the inhabitants of any colonies, non-self-governing territories, and U.N. trusteeships to seabed natural resources to the specific exclusion of the colonizing country.

How does this legal history apply to Puerto Rico? First, it is clear that under general principles of international law, Article 73 of the U.N. Charter and Resolution 1514 (XV) of 1960, Puerto Rico has the inalienable right to independence, self-determination, and full sovereignty over all its natural resources. Thus there is no contradiction in international law between Puerto Rico's status as a colony and its right to exercise sovereignty over its natural resources. This is true because its claim to off-shore oil rights is itself a sovereign act entitled to legal and juridical recognition.

The mere assertion of maritime jurisdiction by colonial powers such as the United States, in now way establishes their paramount title under international law. Such bare assertions certainly cannot defeat the "inherent" and "exclusive" rights of the coastal state, here Puerto Rico, to resources found in the "prolongation of its land territory."

This is true even though the United States has concurrent jurisdiction over Puerto Rico's territorial waters for purposes of navigation and commerce.

Indeed, the clear separation between title or "dominium" over ocean or seabed resources and sovereignty or "imperium" over the territorial sea for purposes of external relations, navigation, and commerce has been recognized both under U.S. domestic law and in international law.

In conclusion, international law fully supports Puerto Rico's superior right and exclusive dominion over all subsoil and seabed resources lying within its insular shelf, within and outside its territorial sea to the depth of 200 meters, or such depth as permits

exploitation of the natural resources therein. Simply stated, Puerto Rico's oil and gas deposits three to ten miles offshore belong to the people of Puerto Rico.

Puerto Rico's Rights under Puerto Rican Law

The unilateral act of asserting jurisdiction over a given width of territorial sea does not establish the validity of such delimitation under international law. Nevertheless an analysis of Puerto Rican jurisprudence, a mosaic blend of Spanish civil code, domestic Puerto Rican law, and various Congressional enactments, is crucial to understanding that Puerto Rico's right, title, and interest in its off-shore natural resources is paramount to that of the United States.

The Spanish Heritage

The Spanish civil law provided for a territorial sea six miles in width, and jurisdiction for the purpose of fisheries and the control of contraband of up to 12 miles. Then, under the Spanish *Ley de Aguas* and *Ley de Puertos* made applicable to Puerto Rico in 1886, national domain and the right to public use was proclaimed to "the maritime zone which encircles all the coasts, in all the width determined by international law."

By these laws, public international law was made the domestic law of Puerto Rico. In 1942 and again in 1969, the Supreme Court of Puerto Rico ruled that these Spanish statutes still apply in Puerto Rico today. This prevails because the Treaty of Paris of 1898 (by which Spain ceded Puerto Rico to the United States), the U.S. military orders following the invasion and occupation of Puerto Rico, the Foraker Act of 1900, the Jones Act of 1917, and the Federal Relations Act of 1950 specifically continued in force all laws and ordinances of Puerto Rico then in effect.

Thus under the *Ley de Puertos*, Puerto Rico's rights in the territorial sea are co-extensive with the full width determined by international law, which is (a) at least six miles, under the eighteenth century Spanish declaration, (b) 12 miles under universally accepted principles, and (c) potentially as great as 200 miles under the "economic zone" claim.

Legislative Enactments by Puerto Rico

The colonial legislature has asserted jurisdiction over the territorial sea up to 12 miles (*La Ley al Puertos* of 1936)

as well as sovereignty over natural resources in the soil, and in submerged lands and subsoil contiguous to the coast of Puerto Rico (Ley de Minas of 1933).

In short, Puerto Rico has clearly stated her rights and has put the United States and the world on notice of those rights.

Congressional Enactments affecting Puerto Rico

If any question still remains about Puerto Rico's right to the off-shore oil, it should be dispelled by the history and language of Congressional enactments relating to Puerto Rico. As we have seen, both the U.S. military occupation of Puerto Rico in 1898 and the Treaty of Paris expressly continued in effect all laws and ordinances then in force in Puerto Rico. By Article II of the Treaty Spain ceded to the United States "imperium" over Puerto Rico and its adjacent islands, but under Article VIII explicitly left unimpaired dominion over all property rights belonging to private or public entities or individuals, with the exception of those buildings, forts, etc. owned by Spain. These were ceded to the United States.

Of course, the validity of the Treaty of Paris itself has been rightly questioned. As Puerto Rican constitutional and revolutionary Pedro Albizu Campos has noted, under the constitution establishing self-government in the island of Puerto Rico in 1897 Spain granted Puerto Rico full autonomy; thus Spain could not cede to the United States what, a year later, it did not have.

Even assuming, however, that the United States acquired something by the Treaty, it is clear that it did not acquire rights to mineral resources in submerged lands under the territorial sea which were then undiscovered. Under Puerto Rican law, which embodied international law, such rights belong to the coastal state.

Furthermore, even if we assume that the United States had acquired some interest in the territorial sea or subsoil resources, it soon relinquished all interests to Puerto Rico.

The Foraker Act of 1900 placed all property which may have been acquired by the United States through the Treaty under the control of the government of Puerto Rico except harbors or navigable waters. Since Spain, however, did not cede harbors or navigable waters to the United States by the Treaty of Paris, such

areas already belonged to Puerto Rico under pre-existing law.

Any United States interest in harbor areas or navigable waters was extinguished in 1917 by the Organic Act (Jones Act).

The Jones Act placed these lands under the control of the Government of Puerto Rico "to be administered for the benefit of the people of Puerto Rico."

The inevitable query is whether the exploration and exploitation of off-shore oil and gas reserves by Exxon or Mobil to increase their profits can be a benefit to the Puerto Rican people.

The Secretary of Justice of Puerto Rico has ruled in effect that all beaches of Puerto Rico be open for full use by the people of Puerto Rico, and such right exists even with respect to those beaches which have been leased by the government to hotels for tourist purposes.

By analogy, this clause prevents the government from leasing oil exploitation rights to private companies unless the people are guaranteed full enjoyment and benefit from the oil extracted. Any lease which arrives at a percentage allocation of oil deposits between the oil companies and the Puerto Rican people (as is now contemplated) violates the people's right of enjoyment to that proportion allocated to the oil companies. Under this analysis, all the oil belongs to the people.

The provision of the Jones Act of 1917 and the Federal relations Act of 1950 quoted above was incorporated into the law of Puerto Rico by virtue of the Constitution of the Commonwealth of Puerto Rico in 1953.

In conclusion, Puerto Rico's sovereignty over the natural resources in coastal waters and its seabed extends at least 12 miles, and with equal validity, to the entire underwater land mass surrounding Puerto Rico.

Puerto Rico's Rights under United States Law

Although the sovereign right of Puerto Rico to its offshore natural resources does not depend upon the domestic law of any foreign country, the realities of Puerto Rico's colonial relationship to the United States requires us at least to analyze U.S. law to discern any possible basis of U.S. jurisdiction. This analysis is doubly important because of the probability that the eventual legal—as opposed to political—resolution of the oil issue will occur in the U.S. courts.

Three points emerge. First, allegiance to the rule of law amongst nations compels the United States to accept not only Puerto Rico's sovereignty over her own natural resources but also her full political independence. From the earliest days U.S. courts have paid lip service to international law as "forming part of the body of law of the United States." Courts have held specifically that international maritime law has the force of domestic law "from acceptance by common consent of civilized communities."

The outward expansion of United States multinational business, however, has led U.S. foreign policy to dispense with "the common consent of civilized communities" in the interest of Pax Americana and the pursuit of profits. See Falk (Ed.) *International Law and Vietnam* (1969).

Nevertheless, we would be remiss if we failed to point out that United States courts ought to give full faith and credit to the international law principles discussed above, which guarantee Puerto Rico the right to exploit its own natural resources as an attribute of its own sovereignty.

But beyond these two observations which themselves defeat any United States interests, the third point is conclusive: Congress has never asserted jurisdiction over the submerged lands or the continental shelf of Puerto Rico, or natural resources!

The major legislation dealing with the subject of sub-sea coastal resources was passed in 1953, the Submerged Lands Act and the Outer Continental Shelf Act. These acts allocate state-federal jurisdiction in lands beneath navigable waters and define states as "any state of the union."

These acts reserve a three-mile seaward boundary for the states; beyond three miles and up to the outer continental shelf, United States jurisdiction attaches. The states' three-mile limit can be extended if the state can establish that such greater seaward boundary line existed "at the time such state became a member of the Union," as is the case of the Gulf of Mexico Coasts of Florida and Texas.

Does this apply to Puerto Rico? Obviously not. Puerto Rico is not a state. Furthermore, the subject of the 1953 Acts deals with the United States continental shelf which clearly Puerto Rico is not a part of geographically. Also, although 43 USC Sec. 1333 (a) (2) mandates the President to publish in

the Federal Register the precise definition of the seaward boundaries of the States, no President has ever done so for Puerto Rico. Lastly, Congress, when considering an Act to convey title and control of the submerged lands on the coastlines of Guam, the Virgin Islands, and American Samoa found it unnecessary to pass any law with respect to Puerto Rico, noting that under 48 USC Sec. 749 Puerto Rico already owned and controlled its submerged lands.

Of course, ownership and control by Puerto Rico of the natural resources of the submerged lands is not inconsistent with the assertion by the United States of the applicability of admiralty law, i.e. navigation and commerce, in the coastal waters. Nevertheless, the concurrent right of Puerto Rico to make laws applicable to its own navigable waters has never been seriously challenged.

Thus, even under United States law, ownership and control of off-shore natural resources are vested in the government of Puerto Rico to be administered for the benefit of the people of Puerto Rico.

Conclusion: Statehood or Independence?

We have seen that under international law, Puerto Rican law, and United States law, Puerto Rico has paramount right to whatever off-shore oil or mineral deposits exist. Despite this fact, the pro-statehood administration of Romero Barcelo has been hesitant to assert affirmatively the interests of the people of Puerto Rico. Resident Commissioner Baltasar Corrada de Rio's approach has been to introduce a bill in Congress to give Puerto Rico ownership of 10.6 miles (three leagues) seaward, the same jurisdiction as Texas and Florida. De Rio has already initiated preliminary talks with the Interior and Justice Departments on the off-shore rights despite the fact that Interior Deputy Solicitor Brewster Chapman has opined that the federal government owns title to all offshore land in Puerto Rico.

We have three observations about Romero Barcelo's approach:

1) The 10.6 mile request makes little sense in light of current international and United States law. It smacks of "we want what Texas and Florida have, and not what the rest of the States have." It is not based on the valid legal claims to at least 12 miles

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under the analysis outlined above.

2) To "ask" Congress for any defined limitation is not only a clear manifestation of a colonial mentality, it is economic suicide. It presumes, erroneously, that Congress has a paramount legal interest which it can convey to Puerto Rico. Congress has already given to Puerto Rico all the interest the United States had; why ask it to do so again? Furthermore, it submits to precisely the wrong body the power to make the decision.

3) The approach highlights a conflict of interest between the pro-statehood administration and the best interests of the Puerto Rican people. The seaward boundaries of Puerto Rico would be set "at the time of admission" to the Union. Thus, the act of admitting Puerto Rico could well set the limit at three miles, reserving to the United States paramount title to all resources outside the three-mile limit. The statehood alternative poses for the Puerto Rican people the clear risk of losing all, or almost all, of their interests in the offshore oil upon admission to the Union.

Thus, Barcelo's pro-statehood position is at odds with the best economic and proprietary interests of his entire constituency—the Puerto Rican people.

It leaves little doubt as to whose interests he is serving: the United States and the multinational oil monopolies.

For the pro-independence forces in Puerto Rico, the apparent discovery of oil and the debate surrounding it affords an excellent opportunity to demonstrate why independence and not statehood is in the short and long term interests of the Puerto Rican people. The colonialist myth that the colony lacks the economic resources to become an independent nation could be dealt a severe blow. Not only could Puerto Rico be self-sufficient in oil for at least 25 years, it could export a significant proportion of what it produces.

The strategy of the independence forces has five features:

1) to publicize and agitate around the oil issue in Puerto Rico to build broad-based support for Puerto Rican control of all its natural resources, including oil;

2) to raise the natural resources issue before international forums and organizations to mobilize support internationally for Puerto Rico's sovereign right to its natural resources;

3) to link the oil question to the status issue; to link sovereignty over

natural resources to full political sovereignty. This linkage can best be accomplished at the U.N. Decolonization Committee meeting this August in Mozambique: it will demonstrate that Puerto Rico's assertion of control over her natural resources is an attribute of national sovereignty and independence;

4) to oppose the participation by United States oil monopolies in any phase of oil discovery or production; to demand a moratorium on exploratory drilling pending the resolution of the status issue, or—at the very minimum—to allow only the government owned and operated mining corporation to perform preliminary exploratory drillings;

5) to insist on strict compliance with all environmental standards for the protection of the many other natural resources of Puerto Rico (including its beaches).

The strategy of those in solidarity with the struggle for independence for Puerto Rico has one feature: demonstrated support for their positions and strategies. For the independence of Puerto Rico. For control of its natural resources.

Like the earth itself, the oil belongs to the people.